Attachment H-3

General Plan Update
Conservation Subdivision Program

October 2010

GENERAL PLAN UPDATE
CONSERVATION SUBDIVISION PROGRAM

1. Introduction

The intent of the Conservation Subdivision Program (CSP) is to encourage residential subdivision design that improves preservation of sensitive environmental resources in a balance with planned densities and community character. It is a program that aims to accommodate planned growth without sacrificing other essential components of our communities such as character, habitat lands, farmlands, groundwater supplies, unique topography, historical and cultural resources, scenic resources, recreational trails, and park lands.

The term "Conservation Subdivision" is typically used to define a compact residential development that includes community open space on the remaining land for the purpose of protecting environmental resources and/or providing recreational facilities. Conservation subdivision design results in numerous benefits, including the preservation of local biodiversity, retention of existing agriculture/farmland, increased watershed protection, improved recreational opportunities, reduced infrastructure costs, and improved fire protection for residential developments.

Currently, there are many federal, state, and local regulations and policies already influencing development in San Diego County, particularly in an effort to protect natural resources, create open space networks, provide recreational opportunities to residents, and to minimize development footprints. As such, planned residential projects in unincorporated San Diego County are already subject to some combination of these provisions depending on location and site specifics. As a result, conservation oriented design is already occurring, but it can also be improved.

Instead of developing a new program that overlaps existing regulations, staff's proposal is to reinforce existing regulations to better support conservation oriented design and remove existing obstacles that discourage it or preclude it while maintaining appropriate checks and balances to protect communities. Key components to staff's proposal are identified and numbered in the following sections and draft amendments are attached.

It is important to note that projects proposed under the Conservation Subdivision Program will not be allowed by-right, and consequently will require discretionary review necessitating that findings be made to assure project compatibility.

2. Requiring Resource Sensitive Design

As previously mentioned, existing regulations support conservation oriented design but can also be improved. The highest level documents that support conservation oriented design is the General Plan and Community Plans. These plans will be maintained and improved as part of the General Plan Update to improve the framework needed to support conservation oriented design. Other supporting regulations are numerous and

implemented through the California Environmental Quality Act, Resource Protection Ordinance, Multiple Species Conservation Program (MSCP), and other similar regulatory programs. These regulatory programs will not be substantially altered with the General Plan Update and therefore their support for conservation oriented design will remain.

To improve upon the County's support of conservation oriented design, staff has focused on those lands that contain the majority and largest blocks of sensitive resources. Through the General Plan Update process, these lands have been identified from existing data and proposed with the least dense land use designations. Therefore, the following program focuses on those lands designated SR-10, RL-20, RL-40, RL-80, or RL-160.

CSP Component #1: Subdivision Ordinance Addition

The Subdivision Ordinance contains regulations that pertain to all subdivisions in the unincorporated County. Staff has added additional design requirements for all subdivisions in rural lands (both Tentative Parcel Maps (4 lots or less) and Tentative Maps (5 lots and greater) to further encourage conservation oriented design. These design requirements address both the project design and design of open space on the property. The requirements are based on ones that are currently implemented through the County's MSCP. Therefore, it is a proven system that works to encourage conservation oriented design and that is familiar to staff, consultants, and the development community. "Environmental Resource" has been defined and the following requirements have been added to the Subdivision Ordinance:

In addition to the other existing subdivision design requirements, subdivisions located in SR-10 and Rural Lands (RL-20 through 160) shall be designed using the following criteria:

1. The development footprint shall be located in the areas of the land being subdivided so as to minimize impacts to environmental resources.

2. Development shall be consolidated to the maximum extent permitted by County regulations.

3. The development footprint shall be located and designed to maximize defensibility from wildland fires and to accommodate all necessary fuel modification on-site.

4. Notwithstanding the requirements of the Slope Encroachment Regulations contained within Section 86.604(e) of the Resource Protection Ordinance, effective October 10, 1991, exceptions to the maximum permitted encroachment into steep slopes shall be allowed in order to avoid impacts to environmental resources that cannot be avoided by other means. The exceptions shall be limited to the minimum necessary to achieve the goals of the conservation subdivision program.

5. Roads shall be designed to minimize impacts to environmental resources. Such design standards may include siting roads to reduce impacts from grading, consolidating development to reduce the length of roads and associated grading, using alternative permeable paving materials and methods, reduced paved road widths, and smaller curve radii, consistent with applicable public safety considerations.

6. Areas avoided from development shall be protected with open space or conservation easements and shall follow the design standards set forth below:

   i. The largest blocks of unfragmented and interconnected open space shall be conserved.

   ii. Surface open space area to perimeter ratios shall be maximized by avoiding the creation of slivers or fingers of open space that extend in and around development.

   iii. Open space shall be located in areas with the maximum amount of connectivity with off-site open space.

   iv. Multiple habitat types, varying topography, agriculture, etc.; shall be conserved to the maximum extent practicable.

   v. Unique and/or sensitive resources shall be protected in the core of open space areas to the maximum extent practicable or suitable buffers shall be provided to protect these resources.

   vi. Resources shall be avoided and placed in open space pursuant to the percentage indicated on Table 81.401.1. The avoided lands shall be protected with an easement dedicated to the County of San Diego or a conservancy approved by the Director. Land used for mitigation for project impacts may be used to satisfy the requirements of Table 81.401.1 below. The required open space shall be maintained as open space for as long as the lots created through this provision of the Ordinance remain, except in circumstances where a need to vacate is required for public health, safety or welfare.

Table 81.401.1

Designation	Minimum Percent Avoided Resources
SR-10	75
RL-20	80
RL-40	85
RL-80	90
RL-160	95

CSP Component #2: Rural Subdivision Design Guidelines

To aid in the interpretation of the above requirements, staff has prepared Rural Subdivision Design Guidelines (see Attachment H-4). These Design Guidelines:

- Establish a process for first identifying the environmental resources on a project site, second identifying the best areas of the site for development, and then, third, creating a conservation oriented design for both the project and open space areas.
- Offer guidance of the County Department of Planning and Land Use approval process discretionary processing steps including: pre-submittal review, project scoping, public review, decision maker review and post approval processing.
- Provide description of regulations and standards commonly affecting the siting and design of subdivisions. These include discussion of such regulation as the California Environmental Quality Act, the MSCP and other specific standards that may impact project design such as fire safety, groundwater and traffic circulation.

3. Accommodating Flexibility in Subdivision Design

Existing regulations also contain restrictions to conservation oriented design. These restrictions work against the existing and proposed supportive regulations described above. To improve the program, staff has identified some of the most significant restrictions to conservation oriented design and provides proposals below for improving them.

CSP Component #3: Reducing Lot Design Restrictions

A number of County ordinances contain regulations that relate to lot size and lot dimension. These regulations limit the ability to provide compact or non-uniform designs that respond to site constraints and characteristics. Often, this level of restriction is unnecessary and additional regulations are in place to project the issues that they relate to.

- Zoning Ordinance Minimum Lot sizes: Consistent with the intent of the General Plan Update, minimum lot sizes are proposed to be decoupled from the density regulations. General Plan Update staff will work with each community to receive input and formulate target minimum lot sizes which are applicable and specific to each community. Three possible approaches to setting densities within each community include:

  1. Property Receives Similar Density

  Example: Estate Res 1 dwelling unit (du)/2, 4 ac to Semi-rural Res 1 du/2,4,8 ac

  - No Change (i.e. stays at two-acre minimum)
  - Minimum lot size decreased based on community planning/sponsor group (CP/SG) Input (target 0.5 acres if appropriate)

2. Property Receives Decreased Density

Example: Multiple Rural Use 1 du/4,8,20 to Rural Lands 1 du/20 ac

a. No Change (i.e. stays at minimum 4 acres)

b. Minimum lot size decreased based on CP/SG input (target 2 acres if appropriate)

c. Minimum lot size increased based on CP/SG input (very limited circumstances)

3. Property Receives Increased Density

Example: Estate Residential 1 du/2,4 ac to Village Residential 2 du/ac

a. Minimum lot size increased based on CP/SG input to match density (2 ac to 0.5 ac)

b. Minimum lot size increased based on CP/SG input to target (2 ac to 10,000 sf)

- Subdivision Ordinance Lot Design Standards: The Subdivision ordinance contains a number of lot design standards relating to lot depth, width, and dimension that can constrain the ability to compact or adjust design. To improve the ability to use waivers when appropriate, the waiver language in the ordinance was modified to allow waiver of the regulations if they do not meet the goals of the Conservation Subdivision Program.
- Groundwater Ordinance Lot Restrictions: Staff added a waiver to for minimum parcel size requirements for projects that are developed pursuant to the Conservation Subdivision Program. Staff will also consider allowances for wells in open space and/or common areas. Guidelines for spacing wells and minimizing interference may be prepared to assist with implementation of the updated ordinance.
- Resource Protection Ordinance Slope/Density Restrictions: Staff updated the ordinance to allow additional encroachment within steep slopes when projects are sufficiently conserving other sensitive lands and meeting preserve design guidelines. Additionally, the slope-based density calculations will be moved to the Regional Land Use Element of the General Plan to reduce redundancy and potential conflicts.

4. Ensuring Compatibility of Compact Design

Although staff's proposals above will increase flexibility to accommodate conservation oriented design, additional flexibility will be necessary in some cases to fulfill the objectives of the Conservation Subdivision Program. However, this additional flexibility can result in impacts that result from an extremely compact development. Impacts such as community compatibility, aesthetics, noise, and traffic must be given greater consideration. Permits that contain findings related to these issues are the best mechanism for ensuring that such review takes place.

CSP Component #4: Planned Residential Developments (PRD)

PRDs allow for reductions in lot size and other design restrictions when a certain percentage of open space is provided. To ensure that PRDs do not result in undesirable impacts to environmental resources and community character, findings must be made. However, PRDs have not been used often because the usable and group open space requirements are too onerous. Therefore the following modifications were included:

Section 5800 of the Zoning Ordinance:

- Refined requirement for "higher level of amenities" as being more applicable to village developments and less applicable to rural developments.

Section 6600 of the Zoning Ordinance:

- Revised usable open space requirements (see table below) so they are more realistic and allow for substitution of group usable open space if private open space cannot satisfy the requirement.

Designation	Usable Open Space per Lot
VR-# (all)	400 sf
SR-# (all)	1000 sf
RL-# (all)	4000 sf

- Revised non-usable open space requirements so they are more applicable to resource preservation and provide a gradation of required open space depending on residential land use designation (see table below).

Designation	Percent Conservation Open Space
VR-# (all)	25
SR-# (all)	40
RL-# (all)	80

CSP Component #5: Lot Area Averaging

Lot area averaging allows for flexibility in lot sizes so long as the overall density is maintained. Similar to PRDs, findings must be made. Also similar to PRDs, Lot Area Averaging has been underutilized due to County interpretation of the regulations. Therefore the following modification was included:

- Revised findings to eliminate the requirement that perimeter lots match the size and shape of those of neighboring properties and instead require compatibility and buffering where necessary.